

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:20-CR-00100-KDB-DSC-1**

UNITED STATES OF AMERICA,

v.

GERMAN LOPEZ DE NIZ,

Defendant.

ORDER

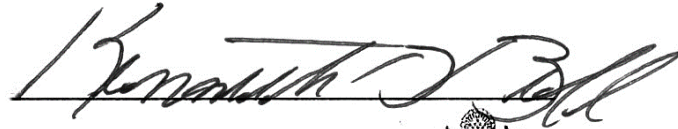
THIS MATTER is before the Court on Defendant's *pro se* motion for application of the Sentencing Commission's recent amendment to U.S.S.G. §4C1.1 in Amendment 821. (Doc. No. 36).

In Defendant's Presentence Report, Defendant had zero criminal history points (Doc. No. 24, ¶ 45). Defendant had a total offense level of 39 and a criminal history category of I. *Id.*, ¶¶ 30, 45. Thus, the applicable guideline range was 262-327 months imprisonment. (Doc. No. 25 at 1). Under the amendment to U.S.S.G. §4C1.1, the Defendant does not qualify to receive a two-level reduction in his offense level because he does not satisfy §4C1.1(a)(7) because he possessed a deadly weapon, a Benelli MR1 rifle. (Doc. No. 24, ¶ 21).

IT IS THEREFORE, ORDERED, that Defendant's *pro se* request for application of the Sentencing Commission's recent amendment to U.S.S.G. §4C1.1 and reduction in sentence (Doc. No. 36), is **DENIED**.

SO ORDERED.

Signed: November 9, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

